

REMARKS

Claim 34 has been amended. Claims 20-28 and 34-41 are pending. Reexamination and allowance of the pending claims is respectfully requested.

First, claim 34 has been amended to provide it with a dependency.

Obviousness-Type Double Patenting

Second, claims 20-39 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over certain claims of USP 6,901,940 and co-pending application no. 10/665,194. Although Applicant does not agree with the obviousness-type double-patenting rejection, Applicant will consider filing a Terminal Disclaimer to overcome this rejection after the other substantive issues have been resolved.

Substantive Rejections

Independent claims 20, 28 and 35 stand rejected under 35 USC 103(a) as being unpatentable over USP 5,429,437 to Shaw ("Shaw") in view of USP 2,854,049 to Wyllie ("Wyllie"), and further in view of USP 6,783,016 to Wang ("Wang"). This rejection is respectfully traversed.

Independent claims 20, 28 and 35 all recite that the sleeve is formed from a sleeve material separate from a material for the wall panel and a material from the base panel, with the sleeve material folded over and stitched along a first edge of the sleeve material, a second edge of the sleeve material and at least one of the bottom portion of the wall panel or the periphery of the base panel by a common stitch. Wang was added to the Shaw-Wyllie combination to show these limitations. However, Applicant respectfully submits that the underlined limitations are still not disclosed in Wang.

First, Wang patent fails to disclose or suggest a sleeve being formed from a sleeve material separate from a material for the wall panel. In both embodiments of Wang (e.g., Fig. 1 and Fig. 3), the material for the sleeve 14 is formed from the same material as the wall 16. In other words, the sleeve and the wall are formed from the same material where that material has been folded over to define the sleeve. In fact,

the written description of Wang teaches away from using separate materials: "[a] liquid-tight containment web is thus secured in an unstitched liquid-tight hem about said upper first loop, and the wall web has no stitching" (see col. 1, ll, 61-64).

Second, Wang fails to disclose or suggest a sleeve folded over and stitched along a first edge and a second edge. Wang merely discloses a sleeve 14 with a single edge. The other side of the sleeve extends into and is part of the wall 16. Again, Wang teaches away from having a sleeve with a second edge because Wang seeks to avoid a stitching between the wall and the lower sleeve.

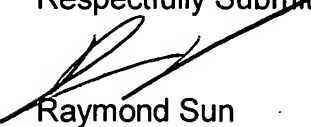
Thus, the combination of Shaw, Wylie and Wang (even if proper, which Applicant disputes) would not even yield all the limitations in claims 20, 28 and 35.

In addition, Applicant submits that Shaw cannot be combined with Wylie for the reasons set forth in the Amendment dated April 20, 2007. These arguments will not be repeated herein, and reference is made to the Amendment of April 20, 2007.

Thus, independent claims 20, 28 and 35 are allowable over the cited references. Claims 21-27 and 36-41 depend therefrom, and are allowable for the same reasons.

Thus, this application is submitted to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if the Examiner has any suggestions for placing the claims in condition for allowance.

Respectfully Submitted,


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I hereby certify that this paper and its enclosures are being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: June 19, 2008

By: 
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